

United States District Court
Eastern District of Wisconsin

Daniel E. Ricchio

(Full Name of Plaintiff or Plaintiffs)

vs

Amazon.com

(Full Name of Defendant or Defendants)

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2012 APR -5 A 11:23

JON W. SANFILIPPO, CLERK
MAIL-REC'D

No.

12-C-0332

(Supplied by Clerk)

COMPLAINT

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court relating to the same occurrence involved in this action?



YES



NO

B. Have you begun other lawsuits in state or federal court?



YES



NO

C. If your answer to A or B was YES, provide the requested information below. If there is more than one lawsuit, describe each additional one on a separate sheet of paper, using the same outline.

1. Parties to the previous lawsuit

Plaintiff(s)

Daniel E. Ricchio

Defendant(s)

Amazon.com

2. Court in which lawsuit brought (if federal court, name district: if state court, name the county) Eastern District of Wisconsin

3. Docket number (don't know)
4. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending)? (no)
5. Approximate date of filing lawsuit June 2006
6. Approximate date of disposition August 2006

II. PARTIES

- A. Your name (PLAINTIFF) Daniel E. Richio
- B. Your Address 5621-55th AV, Kenosha, WI-53149
- (If there is more than one plaintiff, use the margin for extra space if you need it. List the address only if it is different from the address listed above).
- C. DEFENDANT (name) Amazon.com
- D. Defendants address P.O. Box 81226, Seattle, WA-98108
- E. Additional DEFENDANTS (names and addresses)

III. STATEMENT OF CLAIM (follow instructions carefully)

State briefly as possible the *essential facts* of your case. Tell what each defendant did to you that caused you to file this suit against them. If you are complaining about more than one wrong, use a separate **numbered** paragraph for each wrong, and describe each wrong in that paragraph and only that paragraph. State only the facts. *Do not give any legal theories or arguments, do not cite any cases or statutes. Do not feel you have to use all the space.* USE NO MORE THAN THE SPACE PROVIDED. THE COURT STRONGLY DISAPPROVES OF STATING CLAIMS OUTSIDE THE SPACE PROVIDED.

Begin statement of claim:

① Amazon.com is listing and selling my book: A Complete Guide to Planning, Building, Buying, Maintaining Inground Swimming Pools since 1996 when I joined their Advantage Program. They purchased 365 books as of 3/19/99.

② From 2000 to 2006, I didn't receive a single book order and Amazon.com was listing the book in positions (1-7) in the United States and 6 different countries.

③ They breached the advantage program by selling the first edition in excess of the agreed list price of \$9.95. printed on the back inside cover, listing multiple sellers, and not providing a single book order.

④ On 7/26/2006 they listed my second edition, without my authorization, and in the United States, and six different countries with prices of \$19.99, \$25.90, \$70.60, and an price of \$2,031.29. They were listing and selling the second

STATEMENT OF CLAIM CONTINUED

edition from the year 2000, to
sometime in 2006, and without
authorization, thus, breaching the Advantage
Program. And without a single book order.

④ In 2006, I started a lawsuit against
Amazon.com and sent them a notice of
Copyright Infringement for the books
digital image cover, for the first and
second editions, and they stopped
posting the books cover.

⑤ From 2010 to March 1, 2012 they reposted
the books cover digital image, were
listing and selling the first edition
in the United States, and six different
countries. They breached the Advantage
program again by selling the book
in excess of the agreed upon list
price of \$9.95, printed on the back
inside cover, listing the book as new
(on 3/15/2012) with prices of \$29.99, \$30.00,

STATEMENT OF CLAIM CONTINUED

and \$ 84.73. And never paid me
a single book order, and never paid
me 45% of gross sales.

⑥ On 3/31/2012 they also list a
price of \$ 400.00 for a used book,
when used books are suppose to
sell for less than the list price of
\$ 9.95.

⑦ On March 1, and March 16, 2012
I emailed a notice of copyright Infringement
and as of March 31, 2012, they are
still posting a digital image of
the first edition books cover.

END STATEMENT OF CLAIM

IV. RELIEF YOU REQUEST

State exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. DO NOT USE THIS SPACE TO STATE THE FACTS OF YOUR CLAIM. USE IT ONLY TO REQUEST REMEDIES FOR THE INJURIES YOU COMPLAIN ABOUT. Use only the space provided. The court strongly disapproves of requesting remedies outside the space provided.

I would like the court to stop Amazon.com from posting a digital image of the books cover, first and second editions. Also to stop Amazon.com from collecting money from the sale of my books, used and new. Amazon.com should pay money for cover copyright infringement, money collected from the sale of second edition from 2000-2006, and money for the first edition from 1999 to 2006, and 2010 to 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 31st day of March, 2012.



(Signature of Plaintiff(s))